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Pro Hac

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

SAN LUIS & DELTA-MENDOTA
WATER AUTHORITY, WESTLANDS
WATER DISTRICT, CALIFORNIA FARM
BUREAU FEDERATION, a California non-
profit corporation, *et al.*,
Plaintiffs,

v.

ANNE BADGLEY, in her official capacity
as Regional Director of the United States
Fish and Wildlife Service, Region 1, *et al.*,
Defendants,
and

NATURAL RESOURCES DEFENSE
COUNCIL, *et al.*,
Intervenor-Defendant.

) Case No: 1:02-CV-6461

) **STIPULATION AND ORDER**
) **REVISING BRIEFING SCHEDULE**

) **JUDGE:** Hon. Oliver W. Wanger

1 WHEREAS, on September 1, 2006, the Honorable Oliver W. Wanger entered an order setting
2 the briefing schedule for this action;

3 WHEREAS, such order requires Plaintiffs' to file their Motion for Summary Judgment in this
4 action by December 22, 2006 and sets a briefing schedule for the completion of this action;

5 WHEREAS, such order expressly contemplates the aforementioned briefing schedule may
6 need to be modified depending on the results of the limited remand ordered by Judge Wanger on
7 September 1, 2006;

8 WHEREAS, said remand has occurred and Plaintiffs, after reviewing the results of that
9 remand, have engaged in further settlement discussions with Federal Defendants, and Plaintiffs and
10 Federal Defendants now believe that there is a high likelihood of settling this action;

11 WHEREAS, Plaintiffs and Federal Defendants believe the settlement negotiations should be
12 concluded by January 26, 2007;

13 WHEREAS, proceeding with the current briefing schedule in light of the settlement
14 discussions may result in inefficient use of both counsels' and the judiciary's resources;

15 Accordingly, IT IS HEREBY STIPULATED by and among the parties, through their
16 respective counsel, that the current December 22, 2006 deadline for Plaintiffs' Motion for Summary
17 Judgment in this action be postponed until January 26, 2007, and the remaining briefing schedule be
18 modified in the following manner:
19

20 Federal Defendants and Defendant-Intervenors shall file oppositions thereto and Cross-
21 Motions for Summary Judgment by March 2, 2007;

22 Plaintiffs shall file their replies and opposition to Federal Defendants' and Defendant-
23 Intervenors' Cross-Motions for Summary Judgment by March 16, 2007;

24 Federal Defendants and Defendant-Intervenors shall file their replies to Plaintiffs'
25 oppositions by March 30, 2007;
26
27
28

The Cross-Motions for Summary Judgment shall be heard on April 27, 2007, at 10:00 a.m., in Courtroom 3, or at such time as set by the Honorable Oliver W. Wanger. Extended time is requested for oral argument.

Dated: December 19, 2006

By /s/ Brenda Washington Davis
Brenda Washington Davis
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Federation and Ted Sheely

Christopher H. Buckley
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Dated: December 19, 2006

By /s/ Daniel J. O'Hanlon as authorized on December 19, 2006
Daniel J. O'Hanlon
Attorney for PLAINTIFFS San Luis & Delta-Mendota
Water Authority and Westlands Water District

Dated: December 19, 2006

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By /s/ James A. Maysonett as authorized on December 19, 2006
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Dated: December 19, 2006

By /s/ Andrea A. Treece as authorized on December 19, 2006
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ORDER

The Court, having read and considered the foregoing stipulation, and good cause appearing,

IT IS SO ORDERED.

Dated: 12/20/06 _____

/s/ Oliver W. Wanger

Honorable Oliver W. Wanger
United States District Judge